UNITED STATES PATENT AND TRADEMARK OFFICE.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,754	09/18/2003	Yufeng Li	2002P15652US01	4113

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EXAMINER
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ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>07 January 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

  b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b)☐ They raise the issue of new matter (see NOTE below);

  (c)☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: _____.

  Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Attached.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

On pg. 8 of Applicant Remarks (filed 1/7/2008), Applicant alleges that, "The present Office Action presents no evidence that any 'properties' referenced by the applied portions of Engdahl teach, 'automatically' adjusting a 'position of said parent node'." The Examiner disagrees because the "Properties" referenced by the applied portion of Engdahl: represent the "data associated with the nodes." (col. 8, ll. 30-51). This data is used to automatically adjust the position of every parent node ("All properties of the nodes, representing data associated with the nodes,...grouped according to data type so that such linkages may be established automatically." col. 8, ll. 30-51).

On pg. 10 of Applicant Remarks (filed 1/7/2008), Applicant alleges that there is, "No evidence is of record that that a 'property of visibility' teaches any adjustment of 'a position of a parent node'." The Examiner disagrees because Applicant admit on the record, that properties provide data associated with the nodes i.e.,

The "properties" referenced by the applied portion of Engdahl appear to be related to providing a "reading of physical quantity I/O data in quantitative form", "communications data", or "data associated with the nodes".

(see Remarks filed 7/19/07; p. 8, first full paragraph). Therefore, "properties" are related to providing "data associated with the nodes." Next, Applicant are directed to following teaching:

> All properties of the nodes, representing data associated with the nodes, may
> be grouped according to data type so that such linkages may be established
> automatically.

(Col. 8, 30-51). Therefore, all properties are used establish automatic linking. Next

Applicant are directed to following teaching:

> [w]hen connected to another node as a child may search for relevant
> data types and automatically connect to these devices by reading the
> properties associated with the data types.

(Col. 8, 30-51). Therefore, properties are used to automatically adjust the position of

the parent nodes. Accordingly, in view of these facts, the applied prior art of record

clearly taught all claimed limitations.

Applicant Remark at p. 15 of Applicant Remarks (filed 1/7/2008) :

> As an initial matter, these statements fail to evidence thate having
> ordinary skill in the art would consider each of the "Thirty Seven (37)
> cited references" "pertinent" to the claimed subject matter.

This assertion is factually inaccurate and unsupported by the record. To the

contrary, the Examiner has provided throughout prosecution, substantial evidence

as to why the references were pertinent. So that the record is clear, The Examiner is

re-providing said evidence:

A.   **Office Action dated: 7/28/06 pp. 16-17:**

CONCLUSION

14. The prior art made of record and not relied upon considered pertinent to applicant's disclosure is now recited:

[1] (EP 0 727 740 A2) for teaching a HMI editor;

[2] (US 5,812,135 A) for teaching partially displayed hierarchy nodes; and

[3] (US 6055369 A) for teaching a visual programming with flow apparatus.

B. Office Action dated: 12/29/2006 pp. 13-14:

CONCLUSION

19. Although not relied upon, the following prior art is made of record because it considered pertinent to applicant's disclosure:

[1] *DeRemer et al.* (U.S. Patent No. 6,975,914 B2) for teaching methods and an apparatus for workflow definition and processing which permit definition of hierarchically enumerated data types and for definition of "plans" to collect, e.g., for storage, data such as the aforementioned hierarchical data types.

[2] *Dardinski et al.* (U.S. Patent No. 6,754,885 B1) for teaching an apparatus for configuring process, environmental, industrial and other control systems employing "appearance" objects (or other data and/or programming constructs) defining the appearance of configurable system components in graphical editors or other views in which the components may be depicted where appearance objects provide (or reference) icons or representations indicating how the configurable objects are to be depicted in a configuration editor.

[3] *Wewalaarachchi et al.* (U.S. Patent No. 6,067,477 A) for teaching a system and method for the creation and operation of real-time enterprise-wide, personalize supervisory and control data acquisition systems using drag and drop operations.

[4] *Kato* (U.S. Patent No. 6,054986 A) for teaching a method for visual programming functional objects in a visual program that graphically defines the flow of data between functional objects serving as functional components on the computer screen is so arranged that icons of functional objects are made out or edited.

[5] *Coburn et al.* (U.S. Patent No. 6,618,856 B2) for teaching a method used with a simulator and a controller for generating execution code and data structures for use by the controller and the simulator, including resource logic in a control assembly (CA).

[6] *Coburn et al.* (U.S. Patent No. 2002/0120921 A1) for teaching a method, apparatus and data construct set for generating simulation data structures which can be used by a modeling system to interface between a PLC and a movie module including importing the simulation information from the data constructs and populating the data structures.

[7] *Weinberg et al.* (U.S. Patent No. 6,144,962 A) for teaching a visual Web site analysis program, implemented as a collection of software components for facilitating the analysis and management of Web sites and Web site content with a dynamic page scan feature.

[8] *Leshem et al.* (U.S. Patent No. 5,870,559 A) for teaching a visual Web site analysis program for facilitating the analysis and management of Web sites and Web site content.

[9] *Brown et al.* (U.S. Patent No. 6,549,221 B1) for teaching presenting (e.g., displaying) a hierarchical structure including multiple elements and defining hierarchical relationships between the elements. The hierarchical structure may be embodied within an electronic document such as a Web document, an interactive application program, or a map divided into sections. Each element has a "presentation property" which may be a value or a function where a presentation property of each element represented by a node in a subtree is also presented, wherein the focus node is a root node of the subtree.

[10] *Choi* (U.S. Patent No. 6,684,264 B1) for teaching an apparatus and method for controlling a molding machine includes structure and function for a human machine interface control panel having structure to uniquely identify each users preferred configuration by providing all the operating functions of the human machine interface.

[11] *Thoisen et al.* (U.S. Patent No. 6,259,458 B1) for teaching a method of generating a graphical representation of a hierarchical data structure to on a display unit; the hierarchical data structure with a first node having content items. A graphic tree representing the hierarchical data structure displayed, the graphic tree including a first graphic representation of the first node. A second graphic representation, associated with the first graphic representation, that provides a representation of a content item displayed on the display unit, the second graphic representation differing in appearance from the first graphic representation.

[12] *Elsbree et al.* (U.S. Patent No. 7,017,116 B2) for teaching a software development toolkit automates and eases the task of generating graphical human-machine interfaces that are interactive control modules or software necessary to control a process. A graphical human-machine interface is created on a computer using a first operating system.

[13] *Kodosky et al.* (U.S. Patent No. 4,914,568 A) for teaching a method for programming a computer system having a display console for displaying control images; and displaying on the screen at least one iteration-icon that references iteration control module for controlling multiple iterations of data flow, such that the at least one iteration-icon in the diagram indicates multiple iterations of the at least one first function in the course of a procedure.

[14] *Anderson et al.* (U.S. PG. Pub. 2003/0191608 A1) for teaching a data processing components associated with a logical level such that a data processing, component associated with logical level only accepts input from one or more components in a logically higher or lower logical level that conforms to an ontology related to the logical level with which the data processing.

[15] *Grau et al.* (U.S. Patent No. 6,067,093 A) for teaching a layout technique generating a compact connected graph of linked objects, where objects are generally organized as a hub-and-spoke arrangement to reduce the number of overlapping objects and crossing links.

[16] *Schuur* (U.S. Patent No. 5,606,654 A) for teaching a method for displaying a n-ary tree graph including symbols which may incorporate visual clues to indicate that said child nodes themselves have child nodes (i.e. grandchild nodes) which cannot be displayed and visual clues to indicate that said child nodes have siblings which cannot be displayed.

[17] *Tatsumi et al.* (U.S. Patent No. 5,432,897 A) for teaching a method and an apparatus for editing displayed tree structures allowing movement and connection of a moving object in the tree structure to an aimed object with a reduced number of operational steps and displays the moving object on a display unit in order to facilitate the work of an operator who edits tree structures.

[18] *Arcuri et al.* (U.S. Patent No. 5,493,678 A) for teaching an editing capability in a structure editor providing selecting arbitrary nodes from within a tree, and using those arbitrarily selected groups of nodes in otherwise conventional editing operations such as move, copy, delete, and collect.

C.   Office Action dated: 4/19/07 pp. 12-13:

CONCLUSION

10.   Although not relied upon, the following prior art is made of record because

it considered pertinent to applicant's disclosure:

Schuur; Adrianus	US 5606654 A	Computer screen and memory organization enabling presentation of a tree.
Sztipanovits; Janos et al.	US 5420977 A	Multiple aspect operator interface for displaying fault diagnostics results in intelligent process control systems.
Havner; Randall A. et al.	US 6854111 B1	Library manager for automated programming of industrial controls..
Tatsumi; Tetsu et al.	US 5432897 A	Method and an apparatus for editing tree structures in display.
McKaskle; Greg et al.	US 5481741 A	Method and apparatus for providing attribute nodes in a graphical data flow environment.
Grau; Stephen H. et al.	US 6067093 A	Method and apparatus for organizing objects of a network map.
Arcuri; Anthony J. et al.	US 5493678 A	Method in a structure editor
Shah Kamran et al.	US 20030101021 A1	Animation of a configuration diagram to visually indicate deployment of programs.
McDonald; Ryan O. et al.	US 6053951 A	Man/machine interface graphical code generation wizard for automatically creating MMI graphical programs.
Odom, Brian Keith et al.	US 20030163298 A1	Reconfigurable measurement system utilizing a programmable hardware element and fixed hardware resources.
Fuller, David W. III et al.	US 20030036876 A1	Network-based system for configuring a measurement system using configuration information generated based on a user specification.
Weber; Patrick et al.	US 7171281 B2	Control system and method therefor
Elsbree; et al.	US 7017116 B2	Graphical human-machine interface on a portable device.
Spriggs, Bob et al.	US 20030023518 A1	Industrial plant asset management system: apparatus and method.

Spriggs, Bob et al.	US 20030028269 A1	Industrial plant asset management system: apparatus and method.
Bachman, George E. et al.	US 20030217053 A1	Context control mechanism for data executed in workflows of process, factory floor, environmental, computer aided manufacturing-based or other control system.
Dove, Andrew P. et al.	US 6078320 A	System for configuring a process control environment.
Dove, Andrew P. et al.	US 5838563 A	System for configuring a process control environment.

Applicant Remarks at p. 15 of Remarks (filed 1/7/2008) :

> In addition, no evidence is presented that the scope and contents of the prior art is limited to the cited references.

In addition to being inapposite, this argument is unpersuasive.

Applicant Remarks at p. 15 of Remarks (filed 1/7/2008) :

> In addition, merely listing factors to consider in determining the level of ordinary skill in the pertinent art fails to evidence or indicate what the level of skill of one having ordinary skill in the art is.

This assertion is without merit in view of the evidence of record. Applicant is presumably only addressing page 17 of the 10/5/07 Final Office Action, however this is not where the factual inquiry occurred. Applicant is reminded that "While the sequence of these questions might be reordered in any particular case, the [Graham] factors continue to define the inquiry that controls." KSR, 82 USPQ2d at 1391. More specifically the Applicant is referred to the 35 U.S.C. §103(a) rejections themselves.

To illustrate, take for example, inter alia, a portion of one 103(a) Rejection(s) made in the 10/5/07 Final Office Action,

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Engdahl arguably fails to clearly show that the arrangement is either: (1) a vertical tree arrangement; or (2) a horizontal tree arrangement.

Arora et al. is cited for teaching an arrangement of a vertical tree, as illustrated in figure 21, below.
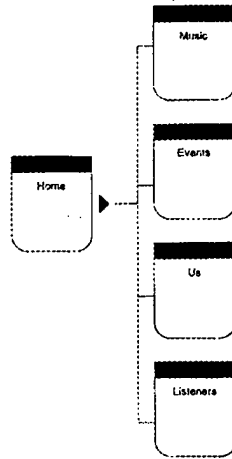

FIG. 21

Arora et al. further teaches a horizontal tree arrangement, as illustrated in figure 20, below.
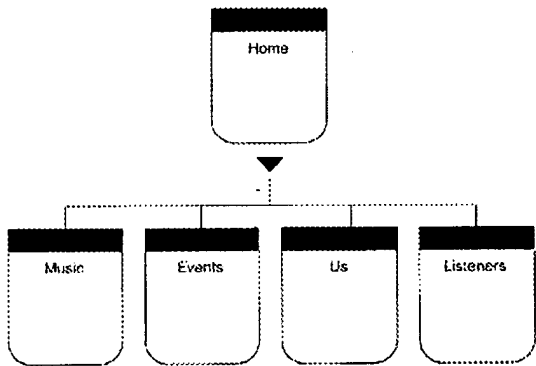

FIG. 20

Arora et al. does not teach the vertical and horizontal tree arrangements for configuring an HMI. Instead, the vertical and horizontal tree arrangements are for HTML pages of a web site.

Chapman et al. teaches "a human machine interface (HMI)" (para. [0001]) including "a display page including a plurality of display page elements" (para. [0025]) where "[p]referably, the display page is HTML based" (para. [0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have combined the vertical and horizontal tree arrangements of *Arora et al.* with the HMI editor of *Engdahl* because of the teachings in *Chapman et al.* and knowledge of persons of ordinary skill in the art. More specifically, *Chapman et al.* suggests the use of HTML display pages for "[b]etter integration between the operator HMI and other business systems. Business systems are undoubtedly moving towards greater integration with the web," para. [0226]). The level of ordinary skill coupled with the level of knowledge in the art at the time of the invention (evidenced in these three references) was such that their existed a reasonable expectation of success in the above combination (e.g. "In addition, the latest version of MSHTML includes many new features that are pivotal in making it suitable as a basis for an industrial HMI architecture...," para.

[0240]). Additionally, *Engdahl, Chapman et al.*, and *Arora et al.* are in analogous art as they all are directed to the same field of endeavor of configuring user interfaces using markup languages.

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Therefore, applicants position cannot be maintained.

The remainder of Applicants arguments are not persuasive, require further search, or require further consideration.